IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE C.V.RAMULU

WRIT PETITION NO : 5534 of 2005

Between:

Smt. P. Victoria Rani W/o. P. Anjaiah
R/o. C.R.P. D-Quarters, Ongole, Prakasam District.

..... PETITIONER

AND

1 The Municipal Commissioner, Ongole Municipality, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Office at Ongole , Prakasam District.
3 The Mandal Revenue Officer, Ongole, Office at Ongole , Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of "WRIT OF MANDAMUS" declaring the action of the respondents in orally directing the writ petitioner to vacate the bunk situated in the premises the Ongole-Co-Operative Center Stores Ltd., (Super Bazaar) as illegal, arbitrary, high handed and also violative of Article 14,. 19 and 21 of Constitution of India, and to pass such other order (s) as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.UNNAM.MURALIDHAR RAO

Counsel for the Respondent No.1: MR.S.NAGESWARA REDDY

Counsel for Respondent Nos.2 and 3: Government Pleader for Revenue

The Court at the admission stage made the following :

ORDER:-

The case of the petitioner is that she was permitted to establish a Telephone Booth in the premises of the Ongole Cooperative Central Stores Ltd. (Super Bazar), as per the recommendations of the Collector and the Revenue Divisional Officer. On the recommendations of the Revenue Officials, the Ongole Cooperative Central Stores Ltd., provided accommodation abutting the main road, in the premises of the Super Bazar, to run the said business and she has been running the same since 1997. While the matter stood thus, it seems some unauthorized persons also were in occupation of the some portions of the premises and running petty business and they are all sought to be evicted. In the guise of evicting all unauthorized occupants, the petitioner is also threatened to be evicted though she is an authorized person, and established the Booth with due sanction of the authorities concerned.

In view of the above, without expressing any opinion on merits, the respondents are directed not to evict the petitioner from the premises unless proceedings are initiated under law, for the time being in force. The petitioner is also permitted to make a representation in this regard, and unless and until the said representation is disposed of, the petitioner shall not be evicted from the premises occupied by her, as per the Orders of the authorities concerned. The petitioner shall file a representation in this regard within a period of two weeks from today and the same shall be disposed of within a period of two weeks thereafter by the authorities. Till the disposal of the said representation, the petitioner shall not be evicted from the premises, in question.

With the above observation, the writ petition is disposed of. No costs.

19th April, 2005

smr

To

1 The Municipal Commissioner, Ongole Municipality, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Office at Ongole ,

Prakasam District.

3 The Mandal Revenue Officer, Ongole, Office at Ongole ,
Prakasam District.

4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

5. Two CD copies.